

1 BILL LOCKYER, Attorney General
2 of the State of California
3 STEPHEN M. BOREMAN, State Bar No. 161498
4 Deputy Attorney General
5 California Department of Justice
6 1300 I Street, Suite 125
7 P.O. Box 944255
8 Sacramento, CA 94244-2550
9 Telephone: (916) 445-8383
10 Facsimile: (916) 327-2247

11 Attorneys for Complainant

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13 **BEFORE THE**
14 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
15 **DEPARTMENT OF CONSUMER AFFAIRS**
16 **STATE OF CALIFORNIA**

17 In the Matter of the Accusation Against: Case No. 1D-2000-62703
18 DANIEL OWEN HILL OAH No.
19 4690 Capitola Road, #10
20 Capitola, CA 95010 **DEFAULT DECISION**
21 Physical Therapist License No. AT-2023 **AND ORDER**
22 [Gov. Code, ' 11520]
23 Respondent.
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28 **FINDINGS OF FACT**

29 1. On or about July 15, 2002, Complainant Steven K. Hartzell, in his
30 official capacity as the Executive Officer of the Physical Therapy Board of California,
31 Department of Consumer Affairs, filed Accusation No. 2001-02-0261 against Daniel Owen
32 Hill (Respondent) before the Physical Therapy Board of California.
33 2. On or about August 3, 1989, the Physical Therapy Board of California
34 (Board) issued Physical Therapist License No. AT-2023 to Respondent. The Physical
35 Therapist License expired on December 31, 2000, and has not been renewed.
36 3. On or about July 15, 2002, Elsa Ybarra, an employee of the
37 Complainant Agency, served by Certified Mail a copy of the Accusation No. 2001-02-0261,

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Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 4690 Capitola Road, #10, Capitola, CA 95010. A copy of the Accusation, the related documents, and Declaration of Service are attached as exhibit A, and are incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).



5. On or about July 24, 2002, Respondent and/or his representative returned a U.S. Postal Service (USPS) Form 3811 to Complainant, indicating receipt of the above referenced accusation and accompanying documents. A copy of the postal Return Receipt, USPS Form 3811 is attached hereto as exhibit B, and are incorporated herein by reference.

6. Business and Professions Code section 118 states, in pertinent part:

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the license on any such ground."

7. Government Code section 11506 states, in pertinent part:

"(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may


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2 nevertheless grant a hearing."

3 8. Respondent failed to file a Notice of Defense within 15 days after
4 service upon him of the Accusation, and therefore waived his right to a hearing on the merits of
5 Accusation No. 2001-02-0261.

6 9. California Government Code section 11520 states, in pertinent part:

7 "(a) If the respondent either fails to file a notice of defense or to appear at the
8 hearing, the agency may take action based upon the respondent's express admissions or
9 upon other evidence and affidavits may be used as evidence without any notice to
10 respondent."



11 10. Pursuant to its authority under Government Code section 11520, the
12 Board finds Respondent is in default. The Board will take action without further hearing and,
13 based on Respondent's express admissions by way of default and the evidence before it,
14 contained in exhibits A and B finds that the allegations in Accusation No. 2001-02-0261 are
15 true.

16 DETERMINATION OF ISSUES

17 1. Based on the foregoing findings of fact, Respondent Daniel Owen Hill
18 has subjected his Physical Therapist License No. AT-2023 to discipline.

19 2. A copy of the Accusation and the related documents and Declaration of
20 Service are attached.

21 3. The agency has jurisdiction to adjudicate this case by default.

22 4. The Physical Therapy Board of California is authorized to revoke
23 Respondent's Physical Therapist License based upon the following violations alleged in the
24 Accusation:

25 a. Bus. & Prof. Code sections 490 and 2660 (d), two causes for discipline
26 based on Conviction of Crimes Substantially Related to the Qualifications, Functions or Duties
27 of a Physical Therapist, to wit, 1. violating California Penal Code section 243 (e) [battery of a

spouse/co-habitant] and 2. violating California Vehicle Code section 23152 (b) [driving with blood-alcohol in excess of .08%].

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ORDER

IT IS SO ORDERED that Physical Therapist License No. AT-2023, heretofore issued to Respondent Daniel Owen Hill, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on October 20, 2003.

It is so ORDERED September 18, 2003.

Original Signed By: Ellen Wilson, PT
FOR THE PHYSICAL THERAPY BOARD OF
CALIFORNIA

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DEPARTMENT OF CONSUMER AFFAIRS

Attachments:

- Exhibit A: Accusation No.2001-02-0261, Related Documents, and Declaration of Service
- Exhibit B: U.S. Postal Return-receipt, PS-Form 3811



Exhibit A

Accusation No. 2001-02-0261,
Related Documents and Declaration of Service

Exhibit B
Postal Return Documents